

## **REMARKS**

Applicants respectfully request entry of the following amendments and remarks contained herein in response to the final Office Action mailed August 18, 2006.

Applicants respectfully submit that the amendment and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 15 and 40 – 44 are pending. In particular, Applicants add claims 40 – 44 and cancel claims 21 – 39 without prejudice, waiver, or disclaimer. Applicants cancel claims 21 – 39 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### **I. Examiner Interview**

Applicants first wish to express their sincere appreciation for the time that Examiner Gauthier spent with Applicants' Attorney, Anthony Bonner, during a telephone discussion on October 10, 2006 regarding the outstanding Office Action. During that conversation, Examiner Gauthier seemed to indicate that it would be potentially beneficial for Applicants to make amendments contained herein. More specifically, Mr. Bonner and Examiner Gauthier discussed potential arguments with respect to claims 27 and 34. While no agreement was met, Applicants respectfully request that Examiner Gauthier carefully consider this response and the amendments.

## **II. Claim Objections**

The Office Action objects to claim 34 due to a clerical error on line 9. Applicants cancel claim 34 and consider this issue moot.

## **III. Rejections Under 35 U.S.C. §103**

### **A. Claims 21 – 26 are Allowable Over *Skladman* in view of *Pepe***

The Office Action indicates that claims 21 – 26 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Number 6,487,278 (“*Skladman*”) in view of U.S. Patent Number 5,742,905 (“*Pepe*”). Applicants cancel claims 21 – 26 and consider this issue moot.

### **B. Claims 27 – 39 are Allowable Over *Pepe***

The Office Action indicates that claims 27 – 39 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Number 5,742,905 (“*Pepe*”). Applicants cancel claims 27 – 39 and consider this issue moot.

## **IV. Allowed Subject Matter**

The Office Action indicates that claim 15 is allowed. Applicants sincerely appreciate this indication of allowed subject matter.

**V. New Claims 40 – 44 are Allowable Over the Cited Art**

Additionally, new claims 40 – 44 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 15. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

## CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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